

MINUTES OF THE NORWALK CITY COUNCIL WORKSESSION ON 03-31-16  
(Unabridged)

Mayor Tom Phillips called the City Council meeting to order at 5:35 p.m. Present at roll call: David Lester, Erika Isley, Stephanie Riva, Ed Kuhl and Jaki Livingston. (RC = roll call vote)

Staff present included: Jodi Eddleman, City Clerk; Jean Furler, Finance Director; Tim Hoskins, Public Works Director; Nancy Kuehl, Parks and Recreation Director; Holly Sealine, Library Director; Greg Staples, Police Chief; Ryan Coburn, Fire Chief; Wade Wagoner, Planning and Economic Development Director and Jim Dougherty, City Attorney.

The consent agenda was amended to remove items c and d.

Item 6 was moved before the consent because of the expenditure to pay for the Homeland Defense Agreement.

16-053 Motion by Riva, seconded by Livingston to approve the agenda as amended passed unanimously, RC.

Homeland Defense Agreement

16-054 Motion by Isley seconded by Riva to adopt **Resolution 0331-16-036 authorizing the Mayor to execute a 28E agreement with the City of Des Moines for Homeland Defense Resources** passed unanimously, RC.

The consent included tax abatements, a refund on sewer charges for the resident at located at 1021 West North Avenue and expenditures:

AIA CORP	TSHIRTS	419.30	MATHESON TRI	MATERIALS	124.05
ALEXIS FIRE EQUIP	CO DETECTOR	372.20	MCCLURE	WAKONDA DR	38,897.81
ASHLEE BROOKS	ASHLEE BROOKS	10.70	MENARDS	PARTS	510.13
ELAN	FOR SERVICES	5,866.84	MERCY COLLEGE	CPR AED ECARD	202.50
CARPENTER UNI	UNIFORMS	722.85	METRO WASTE	WASTE DROP	119.90
CITY OF DSM	CIP/HOMELAND SEC	97,360.50	MIDWEST K-9	BOARDING	100.00
CONFLUENCE	SERVICES 01/21-02/20	4,500.00	NANCY KUEHL	REIMBURSEMENT	53.53
CONSTANT CONTACT	EMAIL MARKETING	588.00	NIKKEL & ASSOC	LIGHTING PANEL	64.85
CRESCENT ELECTRIC	SUPPLIES	21.39	NWTC	ORDINANCE 16-04	123.87
DATAMAXX	ANNUAL SERVICE	1,123.60	NORWALK SOCCER	REFEREE FEES	36.00
DELAGE LANDEN	LEASE #25276411	701.08	OREILLY AUTO	FILTERS #616	54.37
DES MOINES IRON	SHEET METAL	158.90	PAPER FREE	AVANTE	3,660.00
FERNO	EQUIPMENT	890.50	PHIL PARKER	REIMBURSEMENT	52.99
FIRE SERVICE	DARST REGISTRATION	25.00	PHYSIO CONTROL	EQUIPMENT	211.65
GAMETIME	COSMIX LINK	604.03	PIONEER	PVIP	560.00
GE CAPITAL	RETURN ASSET	75.00	PURCHASE POWER	LIBRARY POSTAGE	255.97
GRIMES ASPHALT	COLD MIX	687.66	SHRED IT	SHRED IT	50.24
HARVEY'S	BATTERIES	629.65	SPRINGER PEST	PEST SERVICE	68.00
HP INC	COMPUTERS	2,478.00	DSM REGISTER	DAILY PAPER	31.38
ILLINOIS FIRE	KOCHEK	62.27	GRAPHIC EDGE	2016 SOCCER	1,470.70
INDOFF INC	PRINTER INK	513.53	THOMPkins IND	FITTINGS	37.69
IA LIVING	NORWALK LIVING	999.00	TYLER TECH	SUPPORT	990.00
IOWA ONE CALL	SERVICE	84.30	UNITY POINT OCCUP	RANDOM TESTING	74.00
IA WINDOW	CITY HALL	85.00	UNITYPOINT CLINIC	PHYSICAL	32.00
JEAN FURLER	MILEAGE REIMBU	136.08	WADE WAGONER	MILEAGE 3/9 - 3/18	371.52
JO SNYDER	SUPPLIES	69.90	WARREN CO AUDITOR	LOSST ELECTION	6,235.61
KABEL BUSINES	HRA CKS	7,004.19	WARREN CO EXTENSION	CLINIC	360.00
LANDS END	CITY LOGO SHIRT	62.90	WAYNE DENNIS	SUPPLIES	23.80
LASER RESOURCES	COPIER CONTRACTS	566.27	WDsm POLICE	CFMH LEWISTON	30.00
LUKE PARRIS	REIMBURSEMENT	520.00			

16-055 Motion by Lester seconded by Kuhl to approve the **consent agenda** passed unanimously, RC.

Southeast Trunk Sewer Phase 2 Project change order

Change Order No. 1 is for the Southeast Trunk Sewer Phase 2 and was necessary due to unforeseen conditions involving the well on Bedwell's property that is adjacent to the new sewer main installed. When the new sewer was installed it had a granular envelope placed around the pipe to secure it in place. There was also field tile installed on both sides of the excavation as

part of the easement agreement with the property owner. After the project was completed Bedwells noticed that their shallow well, which is used to provide water for the green houses, was not recharging. It is believed that the cause of the lack of ground water is due to the new sewer servicing as a drain in the area with water traveling in the rock envelope placed around the pipe. As an attempt to correct the situation, a soil/Bentonite Trench Plug was installed to seal off the water traveling around the sewer main.

Livingston asked if this was something the city would have known before the line was installed. Hoskins did not think so because the well was unrecorded. Livingston then asked why the city would be responsible for the consequence and asked if the city was legally responsible and asked for Jim Dougherty's legal opinion, recommendation, and ramification on setting precedence on any unforeseen consequences on private property. Dougherty stated that the work has already been done but would research and let council know. Legal easements were done, neighbor granted the city the right to put the pipe there might be a stretch to say the city is obligated to fix the well.

Livingston would like to know in the event that this would happen again that the city would have better direction and understanding. Livingston also stated that engineers are hired to tell the city what to expect and would like to understand why there are so many unforeseen surprises.

Kuhl asked if this would remedy the situation. Hoskins responded that he does not know that it will.

Hoskins also stated that some of the best laid plans there are always unforeseen circumstances. Lester asked about the engineering firm having insurance to cover the cost, Hoskins responded that most engineering contracts use AIA documents specifically designed to cover the engineers.

Livingston asked who the engineer on the project is. Hoskins responded that is Veenstra & Kimm.

16-056 Motion by Livingston seconded by Isley to adopt **Resolution 0331-16-034 approving a change order for Southeast Trunk Sewer Phase 2 Project**, passed unanimously, RC.

#### **Holland Park Project change order**

The change order is for additional tree removal that will allow the city a place to dispose excess dirt from the creation of the regional detention facility. Hauling the dirt out is too expensive and moving it to out lot U and V is a cheaper solution.

The developer has also agreed to donate to the city additional lands necessary for a future trail head. Out lot U, which lies to the east of the proposed Elizabeth Holland Park has been identified as a location to place and compact excess dirt. In order for this to be accomplished, the trees need to first be removed.

Livingston asked if this cost would have been included in what the city asked for on the bid documents. Wagoner responded that it would not have been.

Livingston asked who the engineer on the project was. Wagoner responded Veenstra & Kimm.

Wagoner responded that at that time the city had not yet analyzed the fact that the park design could be improved and be done more cost effectively.

Isley asked what would happen with the dirt, Wagoner stated that the current development agreement states that the soils are to be delivered to the surrounding property owners, the owners are responsible for erosion control.

Wade contemplates some modifications to the development agreement that will take care of the soils and will also improve the pad sites that are surrounding the park. That amended agreement will be presented to the council at the April 21<sup>st</sup> meeting.

Hoskins responded that the original design that was used in the process of developing the bid documents addressed only the storm water detention basin and did not involve the area surrounding it. That area has significantly impacted the amount of dirt and where it will go. And that is what has led up to this change order.

Isley responded that the point was to allow more land that could be developed commercially. The two projects are related, whether it was that bid that way or not, might be true but this concept was created with these sites in mind. The public/private parts of this are together.

Livingston stated that if the city was not doing the change order it would cost the city a million dollars to move the dirt neither of which was contemplated by the original engineering. Livingston would like to understand why it wasn't part of the original engineering.

Craig King responded saying that there was no way of conveying the water to the detention facility and doesn't know if there has ever been an estimate on what it would have cost. The bid was always for the detention facility.

Livingston would like the engineer to explain how this was missed. Council requested that an engineer from Veenstra & Kimm be at the April 21 council meeting.

16-057 Motion by Kuhl seconded by Livingston to adopt **Resolution 0331-16-035 approving a change order for grubbing of Holland Park Project** passed unanimously, RC.

Discussion and Study Items

#### **Yard Waste collection from the curb**

Metro Waste Authority staff presented the options of co-mingling yard waste with household waste at the March 3<sup>rd</sup> City Council meeting. The MWA board is seeking direction and feedback from the City Councils on whether or not they would support the change. Staff is asking the council whether or not they are opposed or in favor of blending yard waste into the regular stream of household waste.

Kuhl asked when a decision needed to be made, Hoskins responded by May.

Lester stated that he had received feedback from residents who live in townhomes, the residents weren't happy to be paying for something they wouldn't be using.

Kuhl asked what the impact would be to the residents; Hoskins responded that it will be an additional 9.36 per year.

Riva stated that under the new program if a resident chooses to use a yard cart in addition that their rate will go down from 105.00 per year to 84.00 per year.

Paper bags can still be purchased.

Isley stated that Metro Waste wants a 3 to 5 year commitment.

Kuhl asked about the impact to the people in the community.

Livingston stated that the vast majority of the residents are homes, some with significant yard waste and some not.

Isley asked if this would change the cities liability as to what is taken and goes into the landfill.

Hoskins responded saying that it would not.

Riva stated that the difference if you are eliminating the bags, comes out to be about 2.5 cents more per day for the customer to put yard waste in the can. Riva is in agreement with the change.

It was the consensus of the city council to agree to this contract change with Metro Waste Authority.

#### **Street repair spending**

Tim provided the council with a spreadsheet summarizing the amount of dollars that are available for street repairs. Public works has a document that shows what is intended to be accomplished within the following year; this is updated after the winter months. Tim takes that list and assigns costs to it.

Isley asked if this could be provided in his monthly reports. Hoskins said yes he would do that at the April 21<sup>st</sup> council meeting.

Councilmember Kuhl asked Jean if the amount of employees' salaries paid out of road use tax dollars could be moved to the general fund without exceeding the tax levy. That alleviating that expense would allow those dollars to be spent on street projects.

Hoskins stated that there is a RUT transfer out to the general fund.

Furler responded that it could be changed but it will increase the tax rate because it would then be a general fund expense.

Isley mentioned that a portion of the LOSST revenues could go towards street repairs. The cities statement was that 25% would go to property tax relief and 75% would go to other things.

The 20k that has been appropriated for overlays in capital projects will not do a 400 foot block.

Riva asked Hoskins how much it cost to overlay a block, Hoskins responded around 40k.

Kuhl asked if estimated cost be included and distributed to the council and how Hoskins prioritizes which street is done first.

Kuhl asked Hoskins about the street bonds his example was West Pine the curbing is shattered the concrete is settling that the street is too new to have that happen.

Isley believes that the council should make decisions to address the issues of maintenance of buildings, streets and equipment.

#### **Water's Edge Aquatic Design report**

Council had directed staff at the March 3<sup>rd</sup>, meeting to provide an update and report from Michael Fisher, Waters Edge Aquatic Design.

The report provided is just an opinion and does not have any costs estimates included. Kuehl told the council that Fisher had noted there was something under the basin that needed repaired but that was not included in his report. Ground water is coming up through the caulked joints, to remedy this a hydrostatic valve can be installed that would release pressure opening up and allowing water flow into the pool.

Riva asked why that was not mentioned in the report. Kuehl stated that the valve is mentioned. Kuehl talked about caulking the pool and Hoskins said that the engineer had indicated that that would be annual maintenance.

Livingston asked if the report had been shown to the Park and Recreation Commission, Kuehl stated that she would give it to them to review Wednesday, April 6<sup>th</sup>.

Mayor Phillips asked why there hasn't been a maintenance plan in place, Kuehl stated that whenever she had asked previous councils for money to maintain she was told that they wouldn't be spending money to do that because it was the intention to build a new facility. Kuehl added that Warren County had done an inspection and found no deficiencies with the pool.

The mayor stated that a project manager should be hired to manage the project and requested a cost estimate on what it will cost to keep the pool in working condition for an additional ten years.

Livingston asked that the council figure out what they are willing to do so that they can give direction to the project manager.

Riva would like to know what it will cost to do core drills to find the underlying problem and then the cost to repair said problem.

It was the consensus of the council to have Waters Edge get a core drill from under the basin of the pool and what it will take to restore the pool for an additional ten years.

Hoskins will ask Waters Edge to take the report that they have put together and assign costs to that.

Kuehl asked the council if she should plan on opening the pool for the 2016 season.

Livingston asked how soon the engineer could come get the core report done and asked Kuehl to wait for the answer until April 7<sup>th</sup>.

Kuehl said that she could wait until that meeting.

Livingston doesn't know what her position is on opening up the pool for the 2016 season until council and staff know what is going on underneath it.

It was the consensus from the council to get input from the Park and Recreation Advisory Commission and to have Michael Fisher provide the council with an update on the core report at the April 7<sup>th</sup> council meeting.

### **COLA and merit raises**

Staff requests direction regarding cost of living adjustments for employees effective July 1, 2016. The COLA amounts included in the FY17 budget are 2% for union employees (per negotiated contract) and 3% for all other employees. Additionally, some employees are up for merit increases per department head approval.

Livingston asked about the salaries listed on the spreadsheet that was provided were current.

Furler responded that there are two separate union contracts that the police contract had agreed to 2% effective, January 1, 2016 and 2% July 1, 2016. The public works contract had agreed to 2% effective, July 1, 2016.

3% was put into the budget to allow for COLA raises.

Riva stated that inflation hadn't gone up 3% since 2005 and that the private sector hasn't seen a COLA raise increase.

Isley stated that she could agree to the 3% COLA, however, she would want salary comparable from the metro area to make a decision on the merit raises.

Kuehl believes that a new city manager should review the job descriptions and make a recommendation to the council.

Livingston asked Furler which employees would be getting the merit increase?

Furler named those positions.

The mayor asked the council to clarify if they wanted to wait for the new city manager to give direction on both the COLA and merit increase.

Kuehl feels that the city manager could look at the reorganization of the city and look at comparative study's to look at the COLA.

Riva stated that she would prefer to see employees rewarded on merit rather than COLA. That it would be worthwhile to wait for the new manager as some jobs may shift and requests that the manager look at the job descriptions.

Livingston asked if the city had ever had a merit scheme in place. That COLA should be addressed but does not agree with giving 3%.

Lester believes something should be done with the COLA before the new manager arrives but isn't sure what that number is. A new manager should be involved in the job description changes and merit increases.

It was the consensus of the council to have finance bring back comparables at the April 21<sup>st</sup> council meeting.

### **Local option sales tax**

Discussion regarding the local option sales and service tax passed March 1, 2016. Furler provided the council with a spreadsheet showing projected LOSST revenues and related property tax relief amounts. The resolution that was adopted indicated that 25% be allocated to property tax relief and 75% to operation, construction and/or rehabilitation of public safety, public works, street maintenance and any other lawful purpose. Furler also provided the council with two additional spreadsheets showing the breakdown of revenues by area.

The first is what has been estimated to receive based on the final vote. The second sheet is included to demonstrate what all areas (city and unincorporated) would have received had all the electorate passed/approved the tax. The city should start seeing money in August.

Isley asked when the cops grant would be paid for. Chief Staples responded October of 2017.

The mayor cautioned the council against using the funds for ongoing expenses because they aren't a certain guarantee. The mayor encouraged department heads to look at capital expenditures they may need within the next 5 to 10 years.

Mayor would like staff to present an improvement plan to the public that would show the benefit of the local option sales tax.

Isley reminded the council of the NCIS project.

Riva asked Furler how the property tax relief applies to each household.

Lester stated that it would equal to about 47.50 per 180,000 house.

Riva asked if the county takes off the tax bill.

Isley is curious if the emergency levy could be dropped also.

Furler does not know, it does go into effect July 1. She will look into the process to determine how that tax relief is applied and have that information to the council at the May 5<sup>th</sup> council meeting.

### **Permanent part time position in Planning and Economic Development Department**

The Planning and Economic Development department is looking to add a part time staff member to their team.

Livingston asked why the job would merit change when council isn't willing to change any of the other job descriptions.

Wagoner stated that it wasn't a job title change that it was an adding an additional part time position to the department.

Isley asked how many hours a week the position would work.

Wagoner responded that it would be 20 hours a week.

### **Council policies/procedures**

This was a request from councilmember Kuhl to review the policies and procedures of the City Council.

Kuhl presented a list of topics for the council to consider, the first being the change of time for the council meetings. He asked how council felt about changing the start time to 7 p.m.

Isley responded that she hadn't heard any complaints about the start time and felt that if people wanted to discuss an issue they would attend no matter what the time.

Council consensus to continue to have the council meetings begin at 6.

Livingston noted that that needed to be changed in the document, city council procedural rules.

Kuhl asked the council what they thought of putting together a fiscal committee. He believes that there are two qualified council members who could work with the financial director on reconciling items and investments.

Furler responded that it had been her experience to have an investment committee.

Isley can always give their opinion on the budget and expenditures and believes that if the council has a specific direction they can give Jean on what they would like presented to them that would be beneficial.

Kuhl asked Furler to put some thoughts down.

Furler will come up with some different ways to convey information to the council.

Kuhl requested that IT look into televising council meetings allowing the public to have greater access.

The mayor stated that he would ask Tim Geyer what equipment would be needed to do that. Kuhl stated that he would meet with Geyer.

Kuhl asked about public feedback on the city's website, that residents would have to list their name, address in order to make comments. An example would be for public hearings. A prompt would be added that would take residents to the packet and that would take them to a comments page. Public comments could be submitted to the city clerk and then brief the mayor and council.

Livingston stated that the agenda and the packet are available now to the public on the city's website. Residents are already able to submit public comments.

In process of upgrading the website, a website developer could look in to that option.

Kuhl looking for a vehicle for residents to communicate easier to the council. Livingston believes they currently have lots of avenues to do that via email, phone calls, Facebook and attending council meetings.

Kuhl asked about improving the agenda, packet and preparation process. The mayor and city manager meet at the Wednesday meeting the week prior to the council meeting, department directors would have to have the item and the supporting documents ready at that time. The next step would be to have the city attorney review ordinances, contracts, agreements. Kuhl would like a legal opinion on those documents.

Isley stated that the council and department directors make allowances to be good partners to developers and that there are deliverables that department heads are waiting on.

Kuhl believes that if council doesn't have those documents then they aren't able to make a good decision.

The items are into by Friday at noon and the packet is processed and distributed the Monday before the council meeting.

The mayor stated that an agenda can be posted up to 24 hours before a meeting and that everything is there in the packet on the website.

Kuhl stated that proof reading is an issue.

Hoskins asked Kuhl if he was asking staff to prepare documents 15 days prior to a council meeting and stated that it is a struggle to have items done by Friday.

Isley doesn't appreciate getting documents at the dais.

Livingston stated that council already has the authority to abstain or table an action if they do not feel they have sufficient information on a topic.

Mayor Phillips agrees with Livingston stating that the council has authority to approve or deny based on the information they receive. That if documents are received by the Monday or Tuesday prior to the meeting that should be enough time for council to review and make a decision. A reasonable line in the sand would be 24 hours before the meeting.

Staples stated that now department directors are submitting their staff reports directly.

Lester stated that councilmembers should also review that if there is more information needed council should be asking questions and contacting department directors also.

Kuhl asked if a check list is used on plat preparation.

Mayor stated that department directors go through a thorough process.

Wagoner will have that list to the council

16-058 Motion by Riva seconded by Livingston to adjourn the meeting at 8:12 p.m. passed unanimously, RC.

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Tom Phillips, Mayor

Attest:

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Jodi Eddleman, City Clerk